wherein a total cross-sectional area of the heat exchanger tubes in a downstream section of the flow passage is smaller than a total cross-sectional area of the heat exchanger tubes in an upstream section of the flow passage.

4. (Amended) An evaporator comprising:

a container in which a cooling medium is applied; and

a plurality of heat exchanger tubes arranged in the container in a bundled manner to form a flow passage through which a fluid to be cooled flows so as to evaporate the cooling medium by heat exchange between the cooling medium and the fluid to be cooled;

wherein the heat exchanger tubes in a downstream section of the flow passage are spaced from each other by a first gap, and the heat exchanger tubes in an upstream section of the flow passage are spaced from each other by a second gap being larger than the first gap.

5. (Amended) An evaporator according to claim 4, wherein the plurality of heat exchanger tubes has a common diameter.

8. (Amended) A refrigerator comprising:

an evaporator according to claim 4;

a compressor which compresses a vaporized cooling medium;

a condenser which condenses and liquefies a compressed cooling medium in a vaporized state; and

an expansion valve which reduces a pressure of the cooling medium during a process of flowing a liquefied cooling medium to the evaporator.

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IN THE CLAIMS

Please amend Claims 1, 4, 5 and 8 as follows:

1. (Amended) An evaporator comprising:

a container in which a cooling medium is applied; and

a plurality of heat exchanger tubes arranged in the container in a bundled manner to form a flow passage through which a fluid to be cooled [flow]flows so as to evaporate the cooling medium by [means of] heat exchange between the cooling medium and the fluid to be cooled;

wherein a total cross-sectional area of the heat exchanger tubes in a downstream section of the flow passage is smaller than a total cross-sectional area of the heat exchanger tubes in an upstream section of the flow passage.

4. (Amended) An evaporator comprising:

a container in which a cooling medium is applied; and

a plurality of heat exchanger tubes arranged in the container in a bundled manner to form a flow passage through which a fluid to be cooled [flow]flows so as to evaporate the cooling medium by [means of] heat exchange between the cooling medium and the fluid to be cooled;

wherein the heat exchanger tubes in a downstream section of the flow passage are spaced from each other by a first gap, and the heat exchanger tubes in an upstream section of the flow passage are spaced from each other by a second gap being larger than the first gap.

5. (Amended) An evaporator according to claim 4, wherein the plurality of heat exchanger tubes [have]has a common diameter.

8. (Amended) A refrigerator comprising:

an evaporator according to claim 4;

a compressor which compresses a vaporized cooling medium;

a condenser which condenses and liquefies a compressed cooling medium in a vaporized state; and

an expansion [value]valve which reduces a pressure of the cooling medium during a process of flowing a liquefied cooling medium to the evaporator.